

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

In re:

DEBORAH HENRY,

Case No. 12-04103-PMG

Debtor.

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**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED STATUS AND  
TO STRIP JUNIOR LIEN ON DEBTOR'S PRINCIPAL RESIDENCE**

This case came on for consideration of Debtor's Motion to Determine Secured Status and to Strip Junior Lien on Debtor's Principal Residence. Pursuant to Local Rule 2002-4, the debtors served the Motion on all interested parties, and no interested parties have filed a response within the thirty (30) day time period allowed. Therefore, it is

ORDERED:

1. Debtor's Motion to Determine Secured Status and to Strip Junior Lien on Debtor's Principal Residence is granted.
2. The Court finds that the Plaintiff's homestead property has no equity to secure the second mortgage. The property is encumbered by a valid first mortgage, held by Bayview Financial Loans, in the amount of \$188,481.00 at the time of filing the petition. The Defendant holds a second mortgage that is wholly unsecured.
3. The real property (the "Real Property") that is subject of the proceeding is located at 4644 Blue Stream Lane South, Jacksonville, FL 32224, and more particularly described as follows:

**ALL THAT CERTAIN LAND IN DUVAL COUNTY, FLORIDA, TO-WIT:  
LOT(S) 149, OF HUNTERS RIDGE, UNIT 1 AS RECORDED IN PLAT  
BOOK 48, PAGE 79, ET SEQ., OF THE PUBLIC RECORDS OF DUVAL  
COUNTY, FLORIDA. SUBJECT TO RESTRICTIONS, RESERVATIONS,**

**EASEMENTS, COVENANTS, OIL, GAS OR MINERAL RIGHTS OF  
RECORD, IF ANY.**

4. The mortgage held by Wells Fargo Bank recorded on July 12, 2006, at Book 13387, Page 770, Instrument No. 2006242996 of the official records of Duval County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 7 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Wells Fargo Bank's lien prior to the entry of the Debtor's discharge.

DATED this 19<sup>th</sup> day of October, 2012 at Jacksonville, Florida.



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PAUL M. GLENN  
United States Bankruptcy Judge

Copies furnished to:  
King & Dolaghan, P.A., Attorney for Debtors  
Gregory K. Crews, Trustee  
Office of the U.S. Trustee  
Debtor  
Wells Fargo Bank, P.O. Box 3908, Portland, OR 97208

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
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E.B. VOL. 54, NO. 7640